

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



Revised 07/07 WDNY

Catherine R. Conniller

Jury Trial Demanded: Yes ___ No X

Name(s) of Plaintiff or Plaintiffs

Roswell Park Comprehensive Cancer Center

DISCRIMINATION COMPLAINT

-VS-
-CV-

23 CV 1324 - 3

Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, **AND** a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*

This action is brought for discrimination in employment pursuant to (*check only those that apply*):



____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 5700 Birchwood Drive
Lake View, NY 14085

My telephone number is: 716-392-4884

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: Roswell Park Comprehensive Cancer Center

Number of employees: 4,100

Address: Elm + Carlton Streets
Buffalo, NY 14203

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): August 20th 2012

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: On 11/1/2021 my religious exemption/accommodation was revoked for the COVID vaccine.
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): On 1/24/2022 I was suspended without pay or benefits for not receiving the COVID vaccine.
7. I believe that the defendant(s)
 - a. Are still committing these acts against me.
 - b. ✓ Are not still committing these acts against me.
 (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) 8/31/2023
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)

The date when I filed a complaint with the New York State Division of Human Rights is _____

_____ (estimate the date, if necessary)

I filed that complaint in (identify the city and state): _____

The Complaint Number was: _____
9. The New York State Human Rights Commission did _____ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: March 2022
11. The Equal Employment Opportunity Commission did ✓ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: September 27th 2023. (NOTE: If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. _____ Failure to provide me with reasonable accommodations to the application process
- b. _____ Failure to employ me
- c. ☒ Termination of my employment
- d. _____ Failure to promote me
- e. ☒ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. _____ Harassment on the basis of my sex
- g. _____ Harassment on the basis of unequal terms and conditions of my employment
- h. _____ Retaliation because I complained about discrimination or harassment directed toward me
- i. _____ Retaliation because I complained about discrimination or harassment directed toward others
- j. ☒ Other actions (please describe) religious discrimination
related to the COVID vaccine mandate

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- a. _____ Race
- b. _____ Color
- c. _____ Sex
- d. ☒ Religion
- e. _____ National Origin
- f. _____ Sexual Harassment
- g. _____ Age
_____ Date of birth
- h. _____ Disability
Are you incorrectly perceived as being disabled by your employer?
_____ yes _____ no

15. I believe that I was ☒ /was not _____ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: 8/31/2023 and why the defendant(s) stopped committing these acts against you: no longer employed)

17. **A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim.** (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):

☐ **has not** issued a Right to sue letter
☒ **has** issued a Right to sue letter, which I received on 9/27/2023

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

I filed for religious exemption to the COVID vaccine mandate which was accepted on 10/14/2021 by my employer Roswell Park Comprehensive Cancer Center with the accommodation of weekly testing which I complied with. My religious accommodation was then revoked on 11/1/2021 as "it was no longer appropriate" per Roswell Park's Diversity Team. I was then suspended without pay on 1/24/2022 for not complying with the COVID 19 vaccine mandate. Final termination was 8/31/2023.

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct _____ 60 days or more have elapsed _____ less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____
24. The reasonable accommodation provided to me by my employer were ____/were not ____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 12/26/2023

Catherine R. Cronmiller (under penalty of perjury)

Plaintiff's Signature

Catherine R. Cronmiller
5700 Birchwood Drive
Lake View, NY 14085
(716 - 392 - 4884)

EEOC Questionnaire

- **Name** – Catherine Cronmiller
- **EEOC Case Number** – #525-2022-01245
- **Date of hire** – August 20th 2012
- **Title** – Nurse Practitioner
- **Supervisor** – Cheryl Raczky
- **Date advised of mandate for vaccine** – 8/9/21
- **Date required to fulfill the vaccine mandate** – 9/28/21, this date changed several times
- **Date denied accommodation** – November 1st 2021 my religious accommodation was revoked after being granted full approval on 10/14/21.
- **Alternate accommodation given/offered and date** – On 9/24/21 my religious exemption was provisionally accepted with the requirement of weekly testing
- **Date of termination (if applicable)** – Suspended without pay 1/24/22. Currently awaiting arbitration in which Roswell Park is seeking to terminate my employment.

1. Narrative of Incident (What happened that you are claiming was because of religion). Roswell Park mandated the COVID-19 vaccine in the Fall 2021. I am an employee of Roswell Park Comprehensive Cancer Center. I was granted a *provisional* religious accommodation by David Scott (Director of Diversity Division) on 9/24/21 for exemption from the COVID-19 vaccine mandate. Roswell Park acknowledged my sincerely held religious beliefs and deemed there was no undue hardship posed to Roswell and therefore granted *FULL* approval of my religious accommodation on 10/14/21. In violation of Title VII of the Civil Rights Act of 1964, Roswell Park then rescinded my religious accommodation on 11/1/21. They willfully and intentionally ignored their responsibility as my employer to enforce the Civil Rights Act of 1964. On 1/24/22, I was suspended without pay for not receiving the COVID-19 vaccine. The two requirements in which my religious accommodation was granted are still valid. There was never any undue hardship to Roswell Park and there is no change in my sincerely held religious beliefs. Roswell Park is guilty of discriminating against me for my religious beliefs.

2. Confirm you marked Religion

- **What is your religion/religious belief; the one(s) that is the reason for your claim?** My religion is Catholic. The Catholic Church teaches that “vaccination is not, as a rule, a moral obligation and that, therefore, *it must be voluntary*.”¹ Thus, the Catholic Church teaches that I must not be forced to take a COVID-19 vaccine. I was unable to receive any of the COVID-19 vaccines as each and every one of them used aborted fetal cells either in the researching, testing, manufacturing or production of the vaccine. As a practicing Catholic, I cannot go against my conscious and comply with Roswell’s vaccine policy.
-

- **How long have you belonged to this religion, held belief, performed religious practice?** I have been a practicing Catholic since birth. My husband and I are currently raising our 4 children in the Catholic faith.
- **Who knows, at work, about your religion, religious practice / belief? How? When?** Several of my co-workers are well aware that I am a practicing Catholic as I have been open in sharing that I am raising my children in the Catholic faith and attend Mass weekly.
- **How did you tell them?** My co-workers are aware of my religious beliefs from me personally sharing with them in conversations throughout my employment at Roswell Park. I informed my employer September 2021 via my religious accommodation request of my religious belief.

3. A sincerely held religious belief conflicts with a job requirement

- **What is the religious belief that conflicts with a job requirement of your position?** My personal religious belief prevents me from being able to take any of the available COVID-19 vaccines because, in one way or another, they all employ cell lines derived from aborted children, and my personal religious conviction compels me to abstain from any cooperation, direct or indirect, in abortion, which I view as the killing of innocents. I believe what the Catholic Church stated “vaccination must be voluntary” and not forced. Roswell sent daily emails trying to bully and coerce me into receiving the vaccine against my conscious and sincerely held religious belief.

1. Identify both the job requirement and the conflict posed. Roswell Park mandated the COVID -19 vaccine as a requirement to maintain employment. Receiving any of the COVID-19 vaccines would violate my conscious and sincerely held religious beliefs.

- **Does Respondent know of the conflict with the job requirement? How? When?** Yes, Roswell Park is/was aware of my conflict with the vaccine mandate as I requested a religious accommodation in September 2021.
- **What did you tell Respondent about the nature of the conflict?** I submitted my request for religious accommodation with a cover letter to the Diversity Department on 9/13/21 explaining the conflict to the vaccine mandate which would violate my conscious and sincerely held religious belief. I can provide a copy of my religious accommodation request if necessary.
- **What did you tell Respondent you needed as an accommodation as a result of the conflict?** I requested an exemption from the vaccine mandate as it violated my sincerely held religious beliefs. I was agreeable to weekly testing which they requested when they granted my full religious accommodation.

1. Who did you tell? When? How did you tell them? I submitted my request for religious accommodation with a cover letter and signed affidavit to David Scott and Bernarda Arias via

email on 9/13/21. Requesting a return email for confirmation. I also sent a hardcopy via internal mail.

- **What did Respondent say in response to your request?** On 9/24/21, I received an email from the Diversity Department that my request for religious exemption was **provisionally** approved and that I would be required to submit to weekly testing. Then on 10/14/21, I received a follow up email from the Diversity Department stating that my request for religious exemption from the COVID vaccine mandate was **fully** granted and that weekly testing would continue.

4. Harmful Action taken against you for not complying with the job / employment requirement? I was suspended without pay on 1/24/22 for not receiving the COVID-19 vaccine after my religious exemption was rescinded.

- **What happened at work when you couldn't do the job requirement?** I was suspended without pay and was mandated to attend a recorded interrogation which was then followed by a letter of discipline stating my 5 charges which include violation of regulation, misconduct, dereliction of duty, incompetence and insubordination. My union representative immediately filed a grievance. I have been assigned a lawyer through PEF and I am currently awaiting an arbitration date.

5. Requested accommodation would result in more than a minimal hardship to Respondent employer? There were no requested accommodations that would result in an undue hardship on Roswell Park, since **all the accommodations I requested were already in place for over 18 months**. Roswell Park has not provided any documentation or data that my request posed undue hardship.

- **What was the result of your request?** I was granted a provisional religious accommodation on 9/24/21 followed by a full religious accommodation on 10/14/21 with the requirement of weekly testing.
- **What would Respondent employer say they did when you asked for this religious accommodation?** They will admit that they granted me full accommodation on 10/14/21 with the requirement of weekly testing. They will also admit that they rescinded my religious accommodation on 11/1/21.

6. Are you represented by an attorney and who (person and law firm)? I am represented by Jenifer Wharton Esq, Associate Counsel who was assigned to me through my PEF union.

7. How did you learn about filing with EEOC (attorney, union, chat room, etc)? My father made me aware of filing with EEOC.

8. Are you aware of others filing complaints with EEOC for the same reasons (as PCP)? How is PCP aware of this? Yes, there are several other colleagues from Roswell Park and other hospital systems in WNY that are filing with EEOC.

9. Your position title, dates of employment, brief job duties, work location, supervisor name and job title, and how did you learn of this policy or practice requirement? I have been an employee of Roswell Park since 8/20/12. My most recent title held was Nurse Practitioner. I was employed in the Breast Medicine and Urology Medicine Clinics full time up until my recent unpaid suspension which started on 1/24/22. My supervisor is Cheryl Raczyk, NP. I was made aware of the vaccine mandate via email which I have attached for your review.

- **If it was in writing, could you provide a copy? Please email a copy.**

10. Does Respondent employer have a policy in writing with respect to the specific policy or practice that conflicts with your religion? I was aware of Roswell's "COVID-19 State of Emergency" policy which I have attached. There were numerous changes to this policy over the past two years of the pandemic which include masking, social distancing etc. I was unable to find a policy that specifically states the COVID vaccine is/was mandatory.

- **Do you have a copy? Please email a copy**

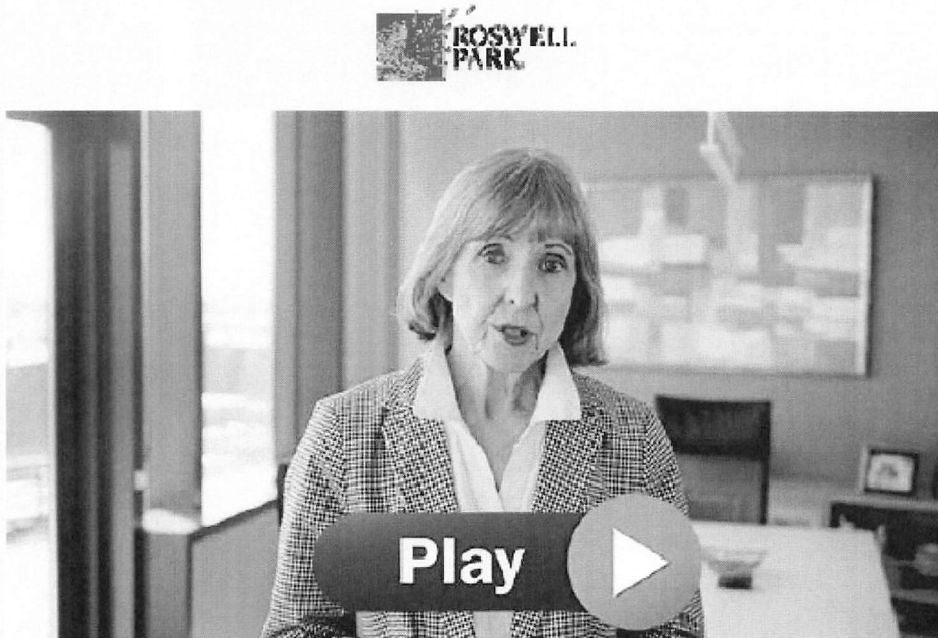
11. How much time is Respondent employer providing to you to submit documents in support of the request? I was granted a full accommodation to my religious exemption with the requirement of weekly testing which I was in compliance with. On November 1st 2021, my religious exemption was revoked as they deemed it "no longer appropriate" (I have attached that email as well). I am currently suspended without pay. They are no longer allowing religious exemptions and therefore, there is no timeline about submitting supporting documents.

12. Is Respondent employer requesting that you provide documentation supporting the need for the requested religious accommodation being made? If yes, what document and from who(m) (person / religious entity)? Is this a requirement? This is no longer applicable as Roswell Park rescinded my previously granted religious accommodation.

13. Is Respondent employer granting any exceptions to the written policy? If yes, who has been granted this exception? What were the circumstances? Roswell Park is granting medical exemptions to the COVID19 vaccine policy.

8.9.2021 Email from CEO stating that they will MANDATE COVID vaccines

Subject: COVID-19 vaccine policy update from the President & CEO



COVID-19 vaccine policy update from the President & CEO

Colleagues,

I'm announcing today that Roswell Park will soon require vaccination for all team members. The details and timelines are being worked out as quickly as possible, but this is a necessary step supported by very strong evidence.

Within the next 3 to 4 weeks, vaccination will be required for every Roswell Park team member — or you'll have to submit to regular testing. I hope that each one of you who has not yet been vaccinated will choose to proactively get the vaccine. More information will be provided to you soon as we confirm all the details regarding this new policy.

I am asking you, everyone on the Roswell Park team, to get vaccinated for COVID-19.

The authorized vaccines available to us today have been given to millions of people around the world, and thousands of your colleagues. The overwhelming evidence from all those experiences is that the COVID vaccines are safe and highly effective at both limiting spread of the COVID-19 virus and of keeping those who have received vaccinations out of the hospital due to COVID.

There are many good reasons to be vaccinated.

- **For our patients, first and foremost.** We have a special obligation as employees of a comprehensive cancer center, a responsibility to do everything we can to keep our patients safe and protected. Our patients can't protect themselves from COVID-19 on their own; they need to rely on everyone around them too because the vaccine doesn't work as well in people with conditions like cancer that cause the immune system to work less effectively.
- **For our families and dear ones.** Many of us live with kids under 12, people whose immune systems are compromised because of cancer, autoimmune disease or other health conditions, or someone who's at higher risk of dying from COVID because of their age or health status.
- **For our co-workers.** Even if you don't live with someone who has a compromised immune system or a child under 12, many of the team all around you do — and your colleagues may face health challenges that put them at higher risk of severe COVID-19, challenges you may not know about.
- **For our community.** A highly infectious disease like COVID-19 requires that we respond as a community, especially as new and more aggressive forms like the Delta variant spread quickly across the country. A handful of cases soon becomes dozens, then hundreds, consuming our medical resources and pulling employees, parents, caregivers away from activities others are counting on them to fulfill. Impacts on education, health care, business, the economy all flow from how effectively or how poorly we are keeping COVID at bay in our homes and workplaces. There are people who can't get vaccinated or don't have full protection from the vaccine all around us, and we help keep them out of harm's way when we get vaccinated ourselves.
- **For ourselves.** The vaccines are safe for virtually any person 12 or older to receive, including those who are pregnant, breastfeeding or seeking to become pregnant, and are the best tool we have to keep ourselves healthy, functioning, able to continue our daily activities and be there for those we care about.

COVID-19 vaccination has never been more important for our team and community than it is today. Cases are dramatically rising nationally and locally. In our immediate community of Erie County, COVID-19 diagnoses are up 80% over the last two weeks. The Delta variant is spreading so rapidly and is far more contagious than previous forms of COVID-19.

For those of you from minority communities or groups that don't trust the medical establishment: I understand why the decision to get

vaccinated could not be a quick or automatic decision for you. But minority and underserved communities are those that can benefit most from vaccination, and I urge you to talk to a trusted physician or medical provider. Talk to those you trust, and get vaccinated. We're going to be putting together some new conversations and resources to help you make the most informed decision you can.

Roswell Park will always be a place of hope and healing. We live that commitment by leading the way through our policies and putting our patients' best interests ahead of every other consideration.

Sincerely,

Candace S. Johnson, PhD
President, CEO and M&T Bank Presidential Chair in Leadership

9.13.2021 Roswell embrace & enforce mandate with threat of "employment consequences"

Subject: COVID-19 vaccination mandate implementation at Roswell Park



COVID-19 vaccination mandate implementation at Roswell Park

Dear colleagues

The vast majority of Roswell Park staff have been vaccinated against COVID-19, helping to protect our patients and each other from this virus, which remains a looming and limiting presence in our lives. It's our obligation to make sure that everyone on our team who can be vaccinated is vaccinated.

Beginning Sept. 27, New York State will require all personnel at hospitals and nursing homes — including all employees, students, volunteers, and contract staff — to have received at least one dose of a COVID-19 vaccine.

The regulation states:

"Covered entities shall continuously require personnel to be fully vaccinated against COVID19 with the first dose for current personnel received by September 27, 2021 for general hospitals and nursing homes, and by October 7, 2021 for all other covered entities absent receipt of an exemption... Documentation of such vaccination shall be made in personnel records or other appropriate records in accordance with applicable privacy laws."

A few days ago, President Biden announced a national action plan with similar requirements for employers like Roswell Park.

We recognize that this is uncharted territory. To address three key points:

- **We expect that employment consequences will be necessary** for Roswell Park team members who have not received an authorized COVID-19 vaccine by Sept. 27, and who do not have an approved medical exemption. The regulation mandates that Roswell Park personnel who are not vaccinated and have not been formally exempted will not be qualified to report for work after that date.
- **The requirement will apply for those who work offsite as well as those who work onsite** at a Roswell Park campus or practice. We are all essential workers and may need to come into work in person on short notice to fulfill our work duties.
- **Only in cases where a medical exemption has been approved** in accordance with state and federal law will healthcare workers be exempt from this provision. After Sept. 27, Roswell Park employees with an approved medical exemption will be required to undergo regular COVID-19 testing at Roswell Park — at least once a week, and more often if deemed appropriate.

I urge team members who have not yet been vaccinated to get vaccinated as soon as possible. Many of your colleagues have faced the same questions and concerns that you are experiencing. Turn to each other as a resource.

We will be increasing our education and outreach to employees who are hesitant about getting a COVID-19 vaccine. These conversations will involve Roswell Park employees from many departments and you'll have ample opportunity to ask questions and discuss concerns.

Together with our peers at cancer centers and organizations like the National Comprehensive Cancer Network (NCCN) and American Society of Clinical Oncology (ASCO), **Roswell Park supports vaccine mandates**. As a leader in cancer care and a driver of the care that people around the country and around the world receive, **we will embrace and enforce the state mandate** to protect our patients and ourselves.

Important information:

- **To schedule a vaccination appointment**, contact Employee Health at employeehealthclinic@roswellpark.org or by calling ext. 3219.
- **Make sure your vaccination status has been accurately recorded** through the My Employee Health portal at employee-health.roswellpark.org, where you will have an opportunity to submit an image of your COVID-19 Vaccination Record Card. Supervisors can update the portal on behalf of an employee, and should assist their team members to make sure that these records are correct and complete.
- **Any requests for medical exemption** must be submitted in writing, with the appropriate supporting documentation, to Human Resources by Sept. 15, 2021.

We must continue to put the health and safety of our patients first and do all we can to make Roswell Park a safe place for them to receive their treatment. Our patients and community are counting on us.

9.23.2021 CEO states “no option to stay on as employee” Vaccination Deadline

Subject: From the President and CEO: Uniting around our shared purpose



Dear colleagues:

I know you are dedicated to your work, your co-workers, our patients. I have witnessed the lifesaving power of what you do. I have been deeply moved and utterly inspired by seeing you — this Roswell Park team — at work together.

I am going to ask something of you — of all of us: to come together in this moment just as we have for the past 18 months. It's been an incredibly difficult and trying time, but you've risen to challenge after challenge and demonstrated beyond a doubt that you are as caring, as hard-working, as impassioned about using your skills and gifts to improve people's lives as any team could be. So I am asking you to stand together once again to support one another as we unite around our shared purpose.

But the reality is before us. Based on the regulations in place today, and every indication we have of the requirements that will be in effect starting Sept. 28, there is **no option for someone to stay on as a Roswell Park employee** after this Monday without getting vaccinated for COVID-19, or receiving Human Resources (HR) approval for an exemption.

I asked our HR leadership team to lay out exactly what you can expect in the days and weeks ahead if you have not been vaccinated for COVID-19 and don't qualify for an exemption. Please read through the full memo. Any Roswell Park employee who is not vaccinated and does not have an exemption approved will not be permitted to work beginning Tuesday, Sept. 28, and will be placed on an unpaid leave of absence, without charge to leave accruals.

I strongly encourage everyone who can get the vaccine to get it. I know it's not an easy or automatic choice for everyone. But I have seen so much evidence that the vaccines are safe, effective, and the best path we have out of the pandemic realities we are so eager to be rid of.

I very much want to keep this team in place. I ask of those of you who have not yet been vaccinated for COVID-19 to reconsider.

I would be happy to talk more with you and your team about all of this, and we also have nurses, an immunology expert, and clinical and nonclinical team members from across Roswell Park who are available for conversations around COVID-19 vaccination. If you're interested in connecting with someone, feel free to directly contact the colleagues listed here, or you may reply to this email with your request.

- To schedule a vaccination appointment with Employee Health, please email employeehealthclinic@roswellpark.org or call ext. 3219 (716-845-3219 from an off-campus number).
- If you were vaccinated for COVID-19 at a location other than Roswell Park but your Employee Health record does not indicate that you have been vaccinated, you must bring your COVID-19 Vaccination Record Card to the Employee Health Clinic (North Building, 3rd floor) as soon as possible to ensure that your information can be accurately recorded. You, your supervisor or your Department Administrator may also submit this information electronically using the Employee Health Portal, <https://employee-health.roswellpark.org>.

Thank you for your hard work — especially these last two years — and for your incredible service to Roswell Park and the community we serve. I remain so grateful and proud to lead this team, and I look forward to accomplishing much more together.

Sincerely,

Candace S. Johnson, PhD
President, CEO and M&T Bank Presidential Chair in Leadership

9.23.2021 Roswell Vaccination Deadline/unpaid leave for non-compliance



Elm & Carlton Streets | Buffalo, New York 14263
1-800-ROSWELL (1-800-767-9355)
RoswellPark.org | AskRoswell@RoswellPark.org

To: All Roswell Park employees, students and onsite contractors

From: Errol Douglas, PhD(c), Senior Vice President and Chief Human Resources Officer

Re: **Vaccination deadline for all Roswell Park personnel is Monday, Sept. 27**

Date: Sept. 23, 2021

Roswell Park must comply with the New York State mandate that all of our staff be vaccinated for COVID-19 by Sept. 27. At present there remain some Roswell Park team members who have yet to be vaccinated.

If you are not already vaccinated for COVID-19, we urge you to make arrangements to get your first vaccine, no later than Sept. 27, 2021.

If you were vaccinated for COVID-19 but your Employee Health record does not indicate that you have been vaccinated, you must bring your COVID-19 Vaccination Record Card to the Employee Health Clinic (North Building, 3rd floor) as soon as possible to ensure that your information can be accurately recorded. You, your supervisor or your Department Administrator may also submit this information electronically using the Employee Health Portal, <https://employee-health.roswellpark.org>.

Any Roswell Park employee who is not vaccinated and does not have an exemption approved through Human Resources (HR) will not be permitted to work beginning Tuesday, Sept. 28, and will be placed on an unpaid leave of absence without use of leave accruals as of that date.

Every employee placed on leave for this reason must turn in any Roswell Park electronic equipment, Roswell Park-provided phone, files, their employee identification badge, and all other Roswell Park property to their supervisor by the end of their shift on Monday, Sept. 27. Any employee who remains on leave of absence beyond 30 days will be terminated. An employee on leave who is vaccinated within the 30-day period may be able to return to work at Roswell Park, provided their job has not already been filled.

Employees granted an exemption through Human Resources will be required to comply with testing protocols as determined by Roswell Park, and will receive specific instructions regarding testing before Sept. 28.

To schedule a vaccination appointment with Employee Health, email employeehealthclinic@roswellpark.org or call ext. 3219 (716-845-3219).

Thank you sincerely for your hard work and your dedication on behalf of our patients and community.


Roswell Covid Policy

All of below linked policies in the “Required Policies for All Associates to Read” page link to ICS-112 COVID-19 Safety Precautions policy that had multiple revisions– there appear to be no other policies available.

Required Policies for All Associates to Read

The bolded below policies are the minimum required policies for all associates to read. The other policies are optional and are not required to be read.

Policy Name	Applicable To
ICS-1502 Universal Masking Policy	All Associates
ICS-1606 Environmental Safety Policy for On-Campus Associates	All Associates
ICS-101 Screening During COVID-19 Pandemic	All Associates

COVID-19 STATE OF EMERGENCY			
NOTE: THIS POLICY AND PROCEDURE IS TO BE IN EFFECT FOR THE DURATION OF THE COVID-19 EVENT AND SUPERSEDES ALL EXISTING POLICIES AND PROCEDURES THAT RELATE TO THE CURRENT TITLE. DURATION OF THE COVID-19 EVENT IS AT THE DISCRETION OF THE INCIDENT COMMANDER.			
 ROSWELL PARK <small>COMPREHENSIVE CANCER CENTER</small>	Roswell Park Comprehensive Cancer Center Policy and Procedure	Date Issued: 6/22/2021	Number: ICS-112
		Date Revoked:	
Title: COVID-19 Safety Precautions		Revision: 6	Effective Date: 12/6/2021
Prepared by: Occupational and Environmental Safety		Approved by: Incident Command System (ICS)	

A. GENERAL STATEMENT OF POLICY

This policy is to ensure compliance with the latest New York State, Occupational Safety and Health Administration (OSHA) and CDC Guidance for healthcare settings.

B. SCOPE

This policy will apply to all persons entering Roswell Park and Health Research Inc., (HRI) Roswell Park Division properties. This policy replaces ICS 101 Screening During COVID-19 Pandemic, ICS 1502 Universal Masking, and ICS 1606 Environmental Safety Policy.

C. ADMINISTRATION

This policy will be administrated through Employee Health, Occupational and Environmental Safety, Infection Prevention & Control Public Safety and Department Managers through the directive of the ICS.

D. DEFINITIONS

The following definitions apply to this policy:

- Associates:** Employee, volunteer, student, contractor, or vendor.
- Cloth Mask:** a homemade or purchased device that covers the nose and mouth, is close fitting, and secure.
- Fully Vaccinated (NYSDOH definition):** Covered personnel are considered fully vaccinated for COVID-19 within 2 weeks or more after receiving either (1) the second dose in a 2-dose series (e.g. Pfizer-BioNTech or Moderna), or (2) a single-dose vaccine (e.g. Johnson & Johnson [J&J]/Janssen), authorized for emergency use or approved by the U.S. Food and Drug Administration (FDA) and/or holds an

emergency use listing by the World Health Organization (WHO). People who received a COVID-19 vaccine that has neither been authorized by the FDA or the WHO are not fully vaccinated. Current lists of vaccine authorized by the FDA and WHO are available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines> and <https://covid19.trackvaccines.org/agency/who/>. The timing to be identified as fully vaccinated may be a minimum of 5 weeks from the first vaccination.

4. Procedure Mask: any Roswell Park provided non-cloth mask.
5. Respirator: Such as N95 or similar device.
6. Social Distancing: Maintaining six feet from other persons (CDC definition).
7. Unvaccinated Associate: Associate that has not been Fully Vaccinated against COVID-19, whose vaccination status is unknown or who does not display the appropriate Roswell Park-designated sticker on their identification badge.
8. Vaccinated Associate: Associate that has been Fully Vaccinated against COVID-19 and displays the appropriate Roswell Park-designated sticker on their identification badge.

E. ASSOCIATES POLICY / PROCEDURE

1. All Persons, upon entering Roswell Park property, are required to comply with the entry screening process, donning of appropriate face covering and hand sanitizing.
2. Associate Point of Entry Screening:
 - a. Associates who have symptoms prior to work shall stay home and notify their Manager and Employee Health. Per CDC guidelines, symptoms include: fever (> 100.4), cough, shortness of breath, sore throat, muscle aches, new loss of taste or smell, nausea or vomiting, diarrhea, or congestion or runny nose?
 - b. Unvaccinated Associates who have not recovered from COVID-19 in the last 3 months and have traveled internationally in the last 14 days (excluding land travel from Canada) prior to work shall stay home, notify their Manager and Employee Health.
 - c. Associates shall maintain social distancing, hand sanitize, don a mask, badge, have their temperature scanned, and complete their assessment at a building entry self-screening location.
 - d. Associates shall continuously monitor their health and wellness for potential onset of COVID-19 symptoms throughout the shift. Should symptoms appear, Associate shall immediately contact Employee Health for further instructions.
 - e. Managers shall continuously monitor Associates' compliance with the screening program outlined above and their health and wellness and potential onset of COVID-19 symptoms throughout the shift. Should symptoms appear, Managers

shall ensure that the Associate immediately contacts Employee Health for further instructions.

- f. If an Associate needs to be tested due to a household member being COVID -19 positive or due to being contact traced, Associate is to contact their supervisor and the Employee Health Center (M-F, 0700-1700 at 845-3219) or the ATC if after hours, weekends or holidays (845-1700).
- g. If Associate tests COVID-19 positive, household members are to be tested at an outside community testing center.

3. 901 Washington Point of Entry Screening for non-Roswell Associates:

- a. Prior to entry into 901 Washington, all non-Roswell Associates visiting shall be screened for COVID-19 symptoms if they have not completed screening at the Hospital by utilizing the entry phone to contact Public Safety or call their Roswell Park Point-Of-Contact (RP-POC).
- b. Public Safety or the RP-POC will then ask the Alliance Visitor(s) the following questions:
 - i. In the past 14 days - Have you had a new onset of fever (> 100.4), cough, shortness of breath, sore throat, muscle aches, new loss of taste or smell, nausea or vomiting, diarrhea, or congestion/runny nose?
 - ii. Have you potentially had an exposure to someone with or suspected of COVID-19?
 - iii. Have you traveled internationally (excluding land travel from Canada)?
- c. If the Visitor(s) answers 'Yes' to any of the above, they are not allowed to enter and shall be instructed to leave campus immediately.
- d. If the Visitor(s) answers 'No' to all the above, Public Safety or RP-POC will allow entry and instruct the Visitor(s) to hand sanitize and don a mask if not already wearing one, and then proceed to their destination.

4. COVID-19 Vaccination Verification Process for Associates

- a. Employee Health Clinic (EHC) staff shall determine vaccination status of Associates using the following methods:
 - i. Review of internal vaccination records
 - ii. Review of NYS/ECDOH records
 - iii. Review of Associate's Excelsior Pass
 - iv. Review of Associate's Vaccination Card
- b. Vaccination status is determined by the Associate meeting the conditions specified by the CDC for Fully Vaccinated. For those Associates that received their vaccination at a location other than Roswell Park, the Associate shall provide proof of their vaccination to EHC.
- c. Identification of Vaccinated Associates is achieved by the application of the Roswell Park-designated sticker on the identification badge.
- d. Unvaccinated Associates must accept the declination statement under their Employee Health Portal. This declination may be rescinded at any time if Associate decides to be vaccinated.

- e. It is the responsibility of the Department Manager to ensure that all Associates have received a sticker or declined the vaccination and that the Employee Health Portal has appropriate documentation of such for each Associate.

5. Associate Safety Guidance

- a. All Associates in all areas of Roswell Park, regardless of COVID-19 vaccination status:
 - i. Must always be masked indoors when Social Distancing is not possible.
 - 1) Associates that interact with patients must wear a Procedure Mask.
 - 2) Associates that do not interact with patients but may work or be in a Healthcare Space can wear a cloth mask; cloth masks must be taken home, washed, and reused.
 - ii. Masks may be removed when Associates are 6 feet away from others.
 - iii. Eating and drinking shall only occur when Associates are 6 feet away from others.
- b. **All Associates regardless of vaccination status:**
 - i. Must comply with Associate Screening Procedures described in E.2. above.
 - ii. Any Associate that is unable to comply with the masking requirements of this policy shall see Human Resources for an accommodation request.
 - iii. This policy does not supersede requirements for Associates and/or performing procedures who may have more stringent requirements.
 - iv. Associates shall maintain proper hand hygiene and use hand sanitizer and appropriate cleaner as necessary.
 - v. Every effort shall be made by each Manager to minimize the number of Unvaccinated students, volunteers, vendors, or contractors that are coming to Roswell Park from outside.
 - vi. In outdoor areas of Roswell Park including the Main Parking Ramp, Kaminski Park, and the front circle, masks are recommended for all associates in when social distancing cannot be maintained.
 - vii. Contact Tracing is a well-established public health management tool. Roswell Park is committed to utilizing all available resources in the fight to minimize the impact of COVID-19 on our community. All Associates are required to cooperate fully, and promptly with any contact tracing request. This includes inquiries from government representatives and Roswell Park staff. Timeliness is an important aspect of contact tracing and therefore necessitates that responses for information be provided when requested, regardless of at-work status.

F. GATHERINGS POLICY / PROCEDURE

- 1. For on-site Gatherings anywhere on Roswell Park campus, all Associates and non-associates shall be masked if Social Distancing cannot be maintained. Everyone shall remain 6 feet apart while eating and drinking.
- 2. For off-site Gatherings, NYS Guidelines must be followed.

G. PATIENT, CAREGIVERS, VISITORS POLICY / PROCEDURE

1. All Persons, upon entering Roswell Park property, are required to comply with the entry screening process, donning of appropriate face covering and hand sanitizing.
2. Patients, Caregivers, Visitors Point of Entry Screening:
 - a. Patients that have been identified as Patients Under Investigation (PUI) or Known Positive COVID-19 patients are directed, by their home clinic, to the reserved parking spaces within the Radiation Medicine Lot. See **ICS-1400 Transportation of a Known Positive or Suspected COVID-19 Patient** policy for further instructions. These patients are not to enter through the Point of Entry Screening.
 - b. Currently, Roswell Park policy limits the number of visitors to campus, see **ICS-401 Restricted Visiting** policy for further clarifications.
 - c. Upon entry to a Roswell Park owned property, Screener ensures all **Patients, Caregivers, or Visitors** hand sanitize and don mask prior to screening.
 - d. Screener ensures all Visitors (for in-patients only) present proof of being vaccinated against COVID-19 such as CDC vaccine white card (hard-copy or electronic copy) or NYS Excelsior pass. The portal may be used to upload a copy of the vaccination record for repeat visitors, however this is not required.
 - a. Proof of at least one vaccination of Pfizer, Moderna or Johnson & Johnson will be acceptable
 - b. If Visitor is unvaccinated, they may provide proof of a negative polymerase-chain reaction test (PCR) taken within the past 72 h to the screener.
 - c. If proof of vaccination or negative PCR test is not presented upon screening, Caregivers or Visitors will not be allowed to enter campus.
 - e. After verifying vaccination or negative test result, screener shall ask: (*While Taking Temperature*) In the past 14 days - Have you had a new onset of fever (> 100.4), cough, shortness of breath, sore throat, muscle aches, nausea or vomiting, diarrhea or congestion/runny nose? Have you lost your sense of smell or taste? Have you potentially had an exposure to someone with or suspected of COVID-19? Have you traveled internationally (excluding land travel from Canada)?
 - f. If a **Patient** screens positive (answers **YES**) to any of the above screening questions, the Point of Entry Manager:
 - i. Contacts the Patient's destination.
 - ii. Informs clinic Associate the following reason for a positive screen:
 1. Screened positive for symptoms, and/or
 2. Screened positive for international travel
 - iii. Receiving clinic Associate shall determine where the Screened Positive **Patient** is to be directed to:
 1. Home
 2. Intended destination
 3. Drive-through clinic for testing
 4. ATC

- g. If a *Caregiver or Visitor* screens positive (answers **YES**) to any of the above screening questions:
 - i. Screener tells *Caregiver or Visitor* "I'm sorry, but you will have to wait in the car while the Patient is at their appointment."
 - ii. If argumentative: "We do understand, please proceed to the left for additional discussion."
 - iii. Point of Entry Manager shall contact the following for the appropriate support:
 - 1) For positive screen due to symptoms:
 - a. Patient's intended destination
 - b. Nursing Supervisor; or
 - c. Public Safety.
 - 2) For positive screen due to international travel only:
 - a. Kim Sweeney, Executive Director of Concierge Services
 - h. If a *Patient, Caregiver, or Visitor* screens negative (answers **NO**) to any of the above screening questions:
 - i. Screener asks *Caregiver, Visitor, or Patient* if they are a new patient:
 - 1) If **YES**, Screener states "Please proceed to Registration and have a nice day."
 - 2) If **NO**, Screener states "Thank you. Please go directly to your clinic and have a nice day."
3. Patients, Caregivers, Visitors Masking
- a. Patients will be given a procedure mask upon entry; if they refuse to wear the mask because they have their own, they must still take a procedure mask as they are required to wear it during their visit when interacting with clinical staff.
 - b. Caregivers will be offered a procedure mask but have the option to use their own procedure or cloth mask.
 - c. If a patient or caregiver is unable to wear a mask, the patient's primary care clinic shall be contacted for direction.
 - d. Tracheostomies shall always be covered; patients shall contact their primary care clinic for direction.
 - e. Inpatients shall wear a procedure mask when outside of their designated rooms; those with the ability to wear a procedure mask shall wear one when other persons are present in their patient room.
 - i. Should the patient be unable to wear a procedure mask when there are others in his or her room, the patient will be treated as a PUI regarding PPE requirements for healthcare staff having clinical interactions with the patient.
 - f. Patient, Caregivers, and Visitors may remove their mask to eat or drink if a six-foot distance between others is maintained. Associates shall actively assist the Patient, Caregiver, and Visitor as needed.
 - g. Masks are recommended for all patients, caregivers and visitors while in Kaminski Park if social distancing cannot be maintained.

H. REFERENCES

1. Roswell Park Institute Policy 1501.1 Employee, Non-Patient Visitor and Contracted Identification Policy
2. Roswell Park Institute Policy 225.1 Roswell Park Comprehensive Cancer Center Dress Guidelines
3. Roswell Park Institute Policy 1504.2 Access Management: Keys, Locks, Badges and Security-Sensitive Areas
4. Roswell Park Institute Policy 1501.1 Employee, Non-Patient Visitor and Contracted Identification Policy
5. Roswell Park Self-screening Station Video Tutorial

I. DISTRIBUTION

This Policy and Procedure will be distributed to all Roswell Park Associates. An electronic copy will be made available on Roswell Park's internal web page and a hard copy is maintained in the Office of the President and Chief Executive Officer.

11.1.2021 Update on court procedures suggesting that religious exemptions are not appropriate

Subject: RE: Religious Exemption - Approval

Dear Colleague,

This update is in follow up to the message you received on Friday, Oct.29. Over the weekend, the Second Circuit U.S. Court of Appeals issued an order vacating Judge Hurd's decision. As a result, religious exemptions are no longer appropriate in connection with the NYS vaccine mandate. Given this, all organizations covered under the initial vaccine mandate, including Roswell Park, will need to comply with this decision. However, we will allow you until November 30 to get at least the first dose of the COVID-19 vaccine. You may set up an appointment through the Employee Health Clinic to obtain the vaccine onsite or, if you obtain the vaccine outside of Roswell Park, you must present your CDC COVID-19 Vaccination Record Card to the Employee Health Clinic to have your record updated.

Please note that while this is our plan and expectation based on the recent court decision, if the State, through Governor Hochul and/or the Department of Health, issues further requirements and/or timeline changes, we will have to modify our plan accordingly to be in compliance. Therefore, it is possible that you may be required to get the vaccine much sooner than November 30. We will continue to stay informed on developments and communicate new information as it becomes available.

Bernarda Arias, B.S

Diversity Program Assistant
Office of Diversity & Inclusion
Roswell Park Comprehensive Cancer Center
Elm & Carlton Streets
Buffalo, New York 14263
Tel: (716) 845-4567
Fax: (716) 845-4820

Received 9/27/23



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Buffalo Local Office
300 Pearl St. Suite 450
Buffalo, NY 14202
(716) 431-5007
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 09/22/2023

To: Catherine R. Cronmiller
5700 Birchwood Drive
LAKEVIEW, NY 14085

Charge No: 525-2022-01245

EEOC Representative and email: STEPHANIE LITTLEHALE
Investigator
stephanie.littlehale@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Maureen C. Kielt

Digitally signed by Maureen C.
Kielt
Date: 2023.09.22 15:29:36 -04'00'

Maureen C. Kielt
Director, Buffalo Local Office



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office

Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
Phone (716) 431-5007
Fax buffaloxman@eeoc.gov

Catherine Cronmiller
5700 Birchwood Drive
Lakeview, New York 14085

Re: Charge No.: 525-2022-01245
Catherine Cronmiller v. Roswell Park Comprehensive Center

Dear Ms.Cronmiller:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In your charge, you alleged that you were denied a reasonable job accommodation for your sincerely held religious belief, in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII).

Title VII requires an employer to provide a reasonable job accommodation to an individual with a sincerely held religious belief that would relieve employees of the burden of choosing between their jobs and their religious convictions. Under Title VII, however, the employer is not required to provide a requested accommodation if it would result in more than a minimal hardship to the employer. Courts have found more than a minimal hardship where the requested accommodation impairs workplace safety [e.g., spread of COVID -19], or cause co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work. A requested accommodation that conflicts with another law would also be considered more than a minimal hardship for the employer. Under Title VII, the EEOC must also consider other factors including: the assessment of the public risk posed at a particular time; the availability of effective alternative means of infection control; and the number of employees who actually request accommodations.

Based upon the information submitted during the investigation, the Commission is unable to conclude that the evidence establishes a violation of Title VII. The Respondent has successfully illustrated that the granting of your requested accommodation would have been more than a minimal hardship under the circumstances. This does not certify that the Respondent is in compliance with statutes. No finding is made as to any other issue that might be construed as having been raised by this charge. The EEOC's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent within ninety (90) days of receipt of this notice. Otherwise, your right to sue will be lost. If you have any questions, please contact Investigator Stephanie Littlehale at (716) 431-5014.

Sincerely,

Maureen C.
Kielt

Digitally signed by Maureen
C. Kielt
Date: 2023.09.22 15:29:00
-04'00'

Maureen C. Kielt
Director, Buffalo Local Office

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFSCatherine R. Cronmiller(b) County of Residence of First Listed Plaintiff Erie
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se**DEFENDANTS**Roswell Park Comprehensive Cancer CenterCounty of Residence of First Listed Defendant Erie
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

"42 U.S.C. § 2000e-5" and "Title VII"

Brief description of cause:

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/26/2023Catherine R. Cronmiller, Pro Se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.